

Entered - 03/02/01 - sb
CL01L0142 - DIANNE C. MITCHELL

CLAIM OF: E. RICHARD STOUT
3209 W. Roxboro Road, NE
Atlanta, Georgia 30324

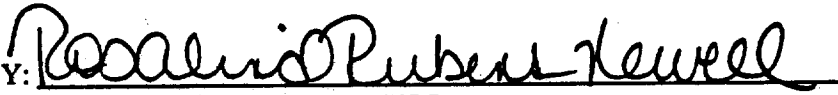
01-*R*-1396

For damages alleged to have been sustained as a result of sewer back ups occurring between February 8 and February 9, 2001 at 3209 W. Roxboro Road, NE.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to E. RICHARD STOUT the sum of \$873.03 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a sewer back ups occurring between February 8 and February 9, 2001 at 3209 W. Roxboro Road, NE as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0142

Date: August 16, 2001

Claimant /Victim E. RICHARD STOUT

BY: (Atty)(Ins. Co.)

Address: 3209 W. Roxboro Road, NE, Atlanta, Georgia 30324

Subrogation: Claim for Property damage \$ 873.03 Bodily Injury \$

Date of Notice: 02/19/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 02/08 - 02/09/01 Place: 3209 W. Roxboro Road, NE

Department Public Works Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant's property was damaged due to a series of sewer back ups into his property. The City was on notice of a problem with the sewer line prior to this incident.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

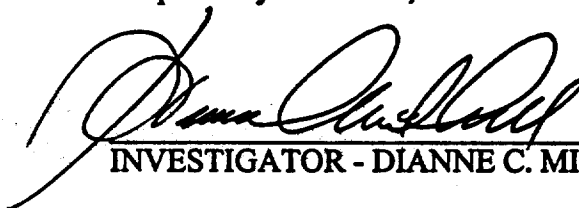
Improper Notice More than Six Months Other Damages reasonable X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 873.03 Adverse Account charged: 1A01 2J01 X 2H01

Claims Manager:  Concur/date 08-16-01

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Mitchell
03/01/02

Today's Date: 2/14/01

FEB 19 2001

Dear Municipal Clerk:

ENTERED - 3-2-01 - SB
0110142 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 873.03 property and/or
\$ (SEE ATTACHED) bodily injury for which I contend the City is liable.

1. Date of incident: 2/8/01 - 2/9/01 2. Time of Incident: 12:00 P.M. 2/8 - 12:30 A.M. 2/9 3. Police called: Yes ☒ No ☐
4. Location of incident (including street address): 3209 W. ROXBORO RD. NE ATLANTA, GA 30324
5. Name of your insurance company: STATE FARM Policy No. 11-KP-0469-0
6. State what and how incident occurred: MAIN SEWER LINE BLOCKED ON W. ROXBORO. CALLED FOR CITY HELP
AT 12:00 P.M. ON 2/8/01, WAS TOLD TO HAVE PLUMBER LOOK AT FLOODING IN MY LAUNDRY ROOM & BASEMENT
FIRST. ROTO ROOTER TOLD ME SEWER CLOGGING WAS FROM REST OF NEIGHBORHOOD. CITY PUSHED MAIN SEWER
AT 12:30 A.M. 2/9/01. RONNIE DARDEN WITNESSED THE WATER DAMAGE. ALL CARPET AND ADDING WAS
A TOTAL LOSS. CLEAN UP OF LAUNDRY ROOM & REFINISHING BASEMENT WAS DONE BY MYSELF.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL
RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of
repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: NICOLE WOLFE 3209 W. ROXBORO RD. ATLANTA, GA 30324 404-495-9297
(Name) (Address) (Telephone Number)
(W) 404-264-9955 EXT. 25

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by
State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE
INFORMATION IS TRUE AND CORRECT.

E. Richard Stout
Signature of Claimant

E. RICHARD STOUT

(Print Claimant's Name)

3209 W. ROXBORO RD NE
(Address)

ATLANTA, GA 30324
(City, State and Zip Code)

770-569-2744 x 206 404-495-9297
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0142

\$ 873.03

IN CONSIDERATION of the sum of EIGHT HUNDRED SEVENTY-THREE AND 03/100
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do
hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its
officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of property damage due to a sewer back up

which occurred between February 8 and February 9, 2001

at or near 3209 W. Roxboro Road, NE

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 20th day of August, 2001.

E. Richard Stout (LS)
E. RICHARD STOUT

The above release was read and explained to, and signed by the said _____

E. RICHARD STOUT

in our presence on the date above written.

Lucie Le Grand
Mal Maly
WITNESSES

February 14, 2001

Council of the City of Atlanta
Municipal Clerk
City Hall
55 Trinity Ave. S.W.
Atlanta, GA 30335

The following is a quote to recover damages caused by the back up of the main sewer line at 3209 West Roxboro Rd. The loss being reported is for the carpet, padding, and installation needed to replace the damaged property on this claim. I have included a tag from the damaged carpet, of which a perfect match was found at Dekor in Buckhead. The floor of the basement is 15'6" x 18'6" with (7) fully carpeted stairs going into the basement. The cost from Dekor is \$2.31 sq./ft. plus \$7.00 additional in labor for each step. See total below. (All figures based on estimate from Dekor)

287 sq./ft. for the floor - \$662.97
45 sq./ft. for the steps - \$103.95
Labor for (7) - \$49.00

Total - \$815.92
7% Sales Tax - \$57.11
Grand Total - \$873.03

Please give me a call if you have any questions (w) 770-569-2244 Ext. 206.
(h) 404-495-9297

Thank you for your help,



Rick Stout
Enclosures